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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,010	02/26/2002	Matthew Charles Priestley	MS190438.1	4314

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EXAMINER

ABEDIN, SHANTO

ART UNIT	PAPER NUMBER
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2136

MAIL DATE	DELIVERY MODE
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02/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/083,010

Applicant(s)

PRIESTLEY ET AL.

Examiner

Shanto M Z Abedin

Art Unit

2136

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,3-18,20-29 and 31-33.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding the USC 103 rejections of claims 1, 3-18, 20-29, 31-33, the applicant primarily argues that Lee et al, Hypponen, or Bathrick, or Brainard individually or combined does not teach:

(a) a pass-phrase employed in connection with generation of the wrapper via a cryptographic wrapping key; the applicant further adds "the pass-phrase taught by Hypponen is used to generate a cryptographic key that allows access to encrypted data in a computer device. The pass-phrase is not employed in connection with generation of the cryptographic wrapper. Therefore, Hypponen is silent regarding a pass-phrase employed in connection with generation of the wrapper via a cryptographic wrapping key.."; and

(b) the pass-phrase distributed separately from the credentials; the applicant further adds "the noted password of Bathrick et al is not equivalent to the claimed pass-phrase. The password in the reference is a mechanism to protect transferred data. On the contrary, a pass-phrase generates wrapper of a password, where the passphrase is needed to access the wrapper"

In response to applicant's above argument (a), the examiner respectfully disagrees with the applicant for the following reasons:

Firstly, the claim limitations recite "generation of the wrapper via a cryptographic wrapping key" which can be interpreted as generation of a cryptographic wrapping key which works as/ is a wrapper. The applicant contends that Hypponen teaches generation of a cryptographic key, not a wrapper. However, Hypponen also teaches such cryptographic key derived from a passphrase is a "lock" for the file access (Hypponen, Background of the invention, line 17-28) similar to what disclosed in the specification of the present application (Page 8, lines 1-20; passphrase to lock/ unlock the package). Therefore, Hypponen's cryptographic key is a wrapping/ locking key, or a wrapper/ lock that is derived from a pass-phrase.

Secondly, even for the sake of arguments if it is believed that Hypponen's cryptographic key is not a wrapper, or not part of generation of a wrapper, the examiner likes to point out that generation of such wrapper using a passphrase or cryptographic function is already taught by the reference Lee et al (Section 2.2 and 3.2; Lee et al teaches unlocking mechanism for a wrapped software/ package, or a wrapper using an electronic license containing a cryptographic function derived from a pass-phrase/shared secret, therefore, Lee's cryptographic function in a e-license can be thought of a wrapping/ unwrapping, or locking/ unlocking key). Therefore, the combination of the Hypponen and Lee et al does teach a pass-phrase employed in connection with generation of the wrapper via a cryptographic wrapping key.

In response to applicant's above argument (b), the examiner respectfully disagrees with the applicant for the following reasons:

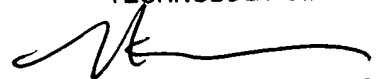
The claim limitations of the instant application recite "a pass-phrase employed in connection with generation of the wrapper via a cryptographic wrapping key, the pass-phrase employed to facilitate access to the credentials, the credentials employed to facilitate access to the resources of the service" which can be interpreted as pass-phrase is a keying material, and also can be used to lock/ unlock the credentials. The applicant argues that Bathrick discloses a password rather than a pass-phrase that is distributed separately from the credential. However, Bathrick's "password" is a keying and/ or certificate material, and also a "shared secret" that is used for both integrity and encryption to protect data (Bathrick, Col 1, lines 23-47; Col 2, lines 18-40).

The applicant further argues that "the password in the reference is a mechanism to protect transferred data. On the contrary, a pass-phrase generates wrapper of a password, where the passphrase is needed to access the wrapper". In response to the applicant's above argument, it is noted that the features upon which applicant relies such as "a pass-phrase generates wrapper of a password," is not recited in claim 1. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). For that reason, above argument is not at least valid for claim 1.

Furthermore, according to Bathrick, the motivation for sending such password/ keying material/ shared secret separate from the certificate/ keys/ credentials is communication/ data protection (Bathrick, Col 1, lines 23-47) is same as the motivation set forth in the specification of the present application for the separate delivery of the pass-phrase and credential (Page 8, line 12-15, communication security). Therefore, Bathrick's password also can be thought of as a shared secret or key material, or at least, it will be obvious to a ordinary skill of art to deliver the credential and the pass-phrase that is used to wrap the credential separately for the motivation of communication security.

Therefore, previous USC 103 type rejections of claims 1, 3-18, 20-29, 31-33 are maintained.

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2,23,07